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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/216,483	12/18/1998	ANIMESH MISHRA	ITL.0138US (P6506)	9630
21906	7590	04/29/2008		
TROP PRUNER & HU, PC 1616 S. VOSS ROAD, SUITE 750 HOUSTON, TX 77057-2631			EXAMINER MEHRPOUR, NAGHMEH	
			ART UNIT	PAPER NUMBER
			2617	
			MAIL DATE	DELIVERY MODE
			04/29/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/216,483	Applicant(s) MISHRA ET AL.	
	Examiner MELODY MEHRPOUR	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-18, 20, 21, 23-25 and 27-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-18, 20-21, 23-25 and 27-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. In view of the Appeal Brief filed on 1/22/08, PROSECUTION IS HEREBY REOPENED. set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 7-14, 15-18, 20-21, 23-25, 27-29**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Barzeber et al. (US Publication 2002/0044199 A1) in view of Flint et al. (US Patent 6,112,098).

Regarding Claims 7, 16, 20, Barzeber teaches a remote control 200/article for an electronic device comprising:

a first device 131 including a processor 402/406 arranged to control a radio frequency transceiver 422 and an infrared transceiver 414 (see figure 8, 0054, 0055); and a remote control 200 unit including a device to remotely control an electronic device 360 and a telephone unit 502 adopted to enable remote communication with a telephone network, the telephone unit 200 including a transceiver 514/522 to remotely communicate with the telephone network (0026), the remote control unit 200 communicating with the first device 131 (see figures 5, 9, 0055, 0059); and

the telephone unit 200 including a device 502 that detect the carrier frequency of a proximate wireless telephone (0048, 0049, 0051, 0055, 0058, 0059).

Barzeber does not specifically mention that a telephone unit automatically tunes to the carrier frequency of a proximate wireless telephone. However, it is well known in portable telephone systems for the remote phone to “detect” the carrier frequency of a base unit. Flint teaches a telephone unit that automatically tunes to the carrier frequency of a proximate wireless telephone (col 3 lines 29-67, col 4 lines 1-36, col 6 lines 42-65). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching of Flint with Barzeber modified

by, in order to provide least amount of interference by selecting the best channel for communications.

Regarding Claim 8, Barzeber teaches a remote control system wherein the telephone unit includes a radio frequency transceiver adapted to remotely communicate with the telephone network (0044, 0045).

Regarding Claim 9, Barzeber teaches a remote control unit wherein the transceiver is tunable to the carrier frequency used by another wireless telephone (0059).

Regarding Claim 11, Barzeber teaches a remote control which forward a wireless transmission received from the telephone to the electronic unit 131 (See figure 1). Barzeber does not specifically mention repeater forwarding "the wireless transmission. However it is well known in the art to use repeater for signal transmission. Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to repeater for forwarding the wireless transmission, for the purpose of stronger signal.

Regarding Claim 12, Barzeber teaches a remote control system wherein the first device 131 and the remote control unit 200 are adapted to communicate both by radio frequency and infrared signals (see figures 5, 9, 0048, 0049, 0050, 0051, 0057, 0059).

Regarding Claim 13, Barzeber teaches a remote control wherein the first device 131 and the remote control unit 200 communicate via bidirectional infrared signals and the remote control unit 200 communicates with the electronic device 360 using unidirectional infrared signals (see figure 5, 0042, 0043)

Regarding Claim 14, Barzeber teaches a remote control system 200 wherein the control unit 502 is adapted to act as radio frequency transceiver 514/522 for telephone communications with the first device 131 (see figures 5, 9, 0043, 0059).

Regarding Claim 15, Barzeber teaches a control system wherein the first device 31/130/131 is a set-top computer system (see figure 3a, figure 5, and figure 8).

Regarding Claims 17, 18, reference is made to Flint's base to remote incoming call indication and off-hook condition, (see col 6 lines 42-65).

Regarding Claim 21, Barzeber teaches a remote control unit 200 including instructions that cause a processor based system to prompt for a wireless telephone carrier frequency (0043, 0044, 0058, 0059).

Regarding Claim 23, Barzeber teaches a remote control unit 200 including instructions that cause a processor based system to use for a wireless telephone carrier frequency (0014, 0043, 0044, 0058, 0059).

Regarding Claim 25, Barzeber teaches an article including instruction that cause a processor based system to receive infrared command signals in one format and to transmit infrared command signals in a second format (014, 0043, 0044)

Regarding Claim 27, Barzeber teaches an article/method further storing instructions that enables the processor based system to prompt the user to issue a page from the user's wireless telephone (0050, 0055).

Regarding Claim 28, Barzeber teaches method further including prompting the user to issue a page from the user's wireless telephone (0032).

Regarding Claim 29, Barzeber teaches a system further including a storage storing instructions that enable the processor to prompt the user to issue a page on the user's wireless telephone (0032).

Response to Arguments

3. Applicant's arguments with respect to claims 7-18, 20-21, 23-25, 27-29 have been considered. Specifically, applicant argued that there is no telephone unit including a detector to detect a carrier frequency "of a proximate wireless telephone" or a telephone unit "being tunable to automatically tune to the carrier frequency of the proximate wireless telephone". Applicant argues that when purchased, the remote

telephone "learns" the carrier frequency of the user's pre-purchased wireless telephone system. The remote control then automatically tunes to the detected wireless frequency. While the Office disagrees with this assessment, i.e., it is known for cordless telephones to have multiple carrier frequencies from which to choose in order to reduce the interference on any one given channel, the Office has re-opened prosecution and provided a reference that explicitly teaches this concept.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nakano et al. (US Patent 5,901,366) disclose program selection method and apparatus using cordless telephone set

Ferris et al. (US Publication 2006/0288374 A1) disclose communication system and method

Allport (US Patent 6,567,984 B1) disclose system for viewing multiple data streams simultaneously

Martis et al. (US Publication 2005/0110651 A1) disclose remotely controlling electronic devices

Grundvig et al. (US Patent 6,061,435) disclose cordless telephone system having a handset with non-telephone functionality

5. **Any responses to this action should be mailed to:**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naghmeh Mehrpour whose telephone number is 571-272-7913. The examiner can normally be reached on 8:00- 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost be reached (571) 272-7023.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Naghmeh Mehrpour/

Primary Examiner, Art Unit 2617

April 22, 2008

/DWAYNE D. BOST/
Supervisory Patent Examiner,
Art Unit 2617

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